

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHEN CHONG SHU,		
Plaintiff,		No. <u>03-409E</u>
v.		<u>Judge McLaughlin</u>
UNITED STATES OF AMERICA,		<u>Mgst. Judge Baxter</u>
Defendant.		

PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE
TO PLAINTIFF'S PETITION FOR EXTENSION OF TIME
TO STAY LITIGATION PENDING RETENTION FOR
[SIC] COUNSEL ASSISTANCE.

AND NOW, comes Plaintiff, Chen Chong Shu, Pro Se litigant, respectfully replies to Defendant's Response to Plaintiff's Petition for Extension of Time to Stay Litigation Pending Retention for [Sic] Counsel Assistance:

PROCEDURAL HISTORY

Plaintiff, a federal inmate, brought this prose medical malpractice and negligence

action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2670, et seq. (hereinafter "FTCA"), on December 15, 2008.

Plaintiff's pretrial statement was scheduled to be due on or before 12-16-2005.

On December 20, 2005, plaintiff filed a Notice of Change of Address, and Petition for Extension of Time to Stay Litigation Pending Retention For [sic] Counsel Assistance.

Plaintiff indicates that he is now in the custody of the Department of Homeland Security, at the Clinton County Correctional Facility. Plaintiff requests that the Court stay this litigation pending "retention for counsel assistance." Plaintiff further states that he has made various attempts to contact outside counsel to request assistance with his prosecution of this action, and that one particular outside counsel is reviewing the matter. In addition, Plaintiff requests that, should he be unsuccessful in retaining his own counsel, under the circumstances, the Court appoint counsel on his behalf.

Defendant has no objection to a stay of this litigation, including a stay of the filing of Defendant's pretrial statement and or motion for summary judgment, pending Plaintiff's current efforts to secure the assistance of outside counsel.

Defendant does, however, oppose Plaintiff's Motion to Appoint Counsel, as that motion is premature, given that Plaintiff is currently in the process of having his own outside counsel review this matter. Defendant also requests an opportunity to fully brief the issue of appointment of counsel in the event that that issue becomes ripe for review, should Plaintiff be unsuccessful in obtaining his own counsel.

Plaintiff repeatedly attempted numerous time to reach for assistance to further this litigation. To no avail, up to date, Plaintiff is unsuccessfully in obtaining his own counsel. In particular the contacted "outside counsel that is reviewing the matter" mentioned from the above stated paragraph, it is a partnership of Rieders, Travis, Humphrey, Harris, Walters and Waffenschmidt, located at 161 West

Third Street, P.O. Box 215, Williamsport, Pennsylvania, 17703-0215; Phone Number 570-323-8711, Attention to Ronald C. Travis, Esquire, On December 29, 2005, has contacted Plaintiff and declined to accept the matter. Plaintiff is now left to no assistance and or access to further his litigation.

Under the present circumstances, Plaintiff's barrier of language with an enormous complication to communicate, a man unversed with the facility of laws and regulations, under the detention of the Department of Homeland Security through its contract with the Clinton County Jail has no access to any legal assistance and or material, to an extreme lack of equipments and resulted of over-crowded of the jail - Approximately 400 inmates share one single type-writer without correctional type ribbon - There are none available through Commissary to purchase - The condition of the detention extremely volatile to the point where frustration is no longer a logical mean to adequately complain or grive about the situation, Presently, the type writer

is broken, there is no more type ribbon left in supply, and there is 6 other inmates that Plaintiff knows of are presently await for the access to the type writer. Meanwhile, Plaintiff received both the denial of acceptance of the case from the private Counsel and the Response from the Defendant, rather Plaintiff sit and wait to have access to the typing situation, Plaintiff decided to have a fellow inmate to help Plaintiff to hand written this Reply and interpreted for Plaintiff to make an attempt to communicate and Reply Defendant's Response to the Court. This particular inmate is a Vietnamese national and to be released as of December 30, 2005. Plaintiff in a final effort pray to this Court that he's helplessly defended such adversity presented in this very important matter and that he placed his unability in the hand of the Court in considering Plaintiff prayer.

Wherefore; for the foregoing reasons, Plaintiff respectfully requests that the Court GRANT Plaintiff's Motion to Appoint Counsel. Enjoining Defendant's recommendation

to Concur the granting of Plaintiff's Motion to Stay litigation for a reasonable period of time pending Plaintiff's efforts to secure the Assistance of Counsel.

Respectfully Submitted,

12.29.05
Dated.

Chen Chong Shu
CHEN CHONG SHU
Reg. No. 05-2913
Clinton County Correctional
Facility - P.O. Box 419
McElhattan, PA 17748.

Pro. Se.

CERTIFICATE OF SERVICE:

I hereby certify that I have served this date a copy of the within PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO PLAINTIFF'S PETITION FOR EXTENSION OF TIME TO STAY LITIGATION PENDING RETENTION FOR [sic] COUNSEL ASSISTANCE. by first-class, United States mail, upon the following:

U.S. Attorney's Office.

Western District of PA.

U.S. Post Office & Courthouse
700 Grant Street, Suite 400
Pittsburgh, PA 15219.

12.29.05
Dated.

Chen Cheng Shu
CHEN CHONG SHU.